

REMARKS

Claims presented for prosecution in this Application are claims 1-13. Claims 1, 2 and 9-12 have been rejected over cited prior art. Claims 3-8 and 13 have been indicated as containing allowable subject matter. In view of Applicants' remarks below, Applicants respectfully submit that claims 1-13 are in condition for allowance. Accordingly, Applicants respectfully request that the present Response be considered and entered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

The 35 USC 102(b) Rejection of Claims 1-2 and 9-11 over Jolidon

The Examiner has rejected claims 1-2 and 9-11 as being anticipated by Jolidon ('820). Applicants respectfully assert that Jolidon does not disclose, at least, each and every aspect of independent claims 1 and 10.

Independent claim 1 explicitly recites, *inter alia*,

"a slide removably mounted on the frame ...

an access port disposed in the slide, wherein the slide includes a cartridge ejection port and may be in a chamber closed position and a chamber open position;

wherein when the slide is in said chamber closed position, said sear is accessible through said access port."

Similarly, independent claim 10 explicitly recites, *inter alia*,

"a slide removably mounted on the frame;

a firing mechanism; and

an access port disposed in the slide, said access port being separate from a cartridge ejection port formed in said slide;

wherein the firing mechanism is accessible through the access port and can be manipulated to allow removal of the slide from the frame."

In stark contrast, Applicants respectfully assert that Jolidon does not disclose or suggest, at least, an access port disposed in the slide and through which the sear is accessible, as recited in both independent claims 1 and 10.

With respect to the Examiner's apparent interpretation that Jolidon's frame opening for accommodating the hammer (6) reads upon Applicant's 'access port', for the purposes of anticipating the above-referenced portion of claims 1 and 10, Applicants respectfully traverse this interpretation of Jolidon.

Firstly, Applicants assert that the opening created by the movement of Jolidon's hammer to its firing position is an opening created in the *frame* of the handgun, not the slide. Insofar that Jolidon arguably teaches a rear opening in the slide (4) for accommodating Jolidon's firing pin (39), Applicants contend that Figures 3, 18 and, especially, 19 clearly illustrate that the opening for the firing pin (39) does not communicate with the opening created by the movement of Jolidon's hammer (6). Moreover, as Jolidon is silent as to any opening in Jolidon's slide which may be in communication with the sear mechanism of Jolidon's handgun, Applicants assert that the Examiner's sole reliance on the drawing figures of Jolidon fail to clearly show the relationship recited in independent claims 1 and 10. That is, none of Jolidon's drawing figures illustrate an opening in Jolidon's slide (4) which would permit access to Jolidon's sear (16).

With particular reference to Jolidon's Figure 3, Applicants assert that Figure 3 merely illustrates a hammer opening formed in the *frame* of Jolidon's handgun, and that the drawing line located slightly above reference numerals 8/9 in Figure 3 illustrates the structural isolation of the hammer opening. Moreover, to the extent that the movement of Jolidon's hammer (6) defines a slot, or the like, through the plane of the drawing line slightly above reference numerals 8/9, Applicants contend that this slot may merely provide an access from the hammer opening in the frame to the *area behind* (note: not 'part of') the slide 4. That is, Applicants assert that Jolidon's Figure 3, when considered in light of the drawing line slightly above reference numerals 8/9 and in

conjunction with Figures 18 and 19, cannot read upon Applicants' access port disposed in the slide of the firearm through which the sear is accessible.

Applicant's further note that the term, 'slide' as it is used in the art has an established meaning which does not include the 'frame' of the handgun *per se*. Therefore, pursuant to MPEP § 2111.01 which states that "the words of a claim must be given their 'plain meaning'" and that "'plain meaning' refers to the meaning given to the term by those of ordinary skill in the art", Applicants contend that interpretation of Jolidon's hammer opening as reading upon Applicants' access port in the slide of the firearm, exceeds the appropriate breath of the term as it is utilized in the art.

Indeed, Applicants contend that claims 1 and 10 further define the 'slide' as being that structural element which "includes an injection port" and, as such, cannot be read upon Jolidon's hammer opening in the rear of the handgun.

In essence, Applicants contend that Jolidon's specification is totally silent on the claimed subject matter at issue, as discussed above, and further, that Jolidon's drawing figures are, at best, indeterminate regarding the existence of an access port in Jolidon's slide which provides access to the sear. Applicants earnestly submit that it is not enough for the Examiner to think that Jolidon *may* illustrate an access port as recited by Applicants, or to infer that Jolidon's handgun *may* have a passage between the firing pin bore of the handgun and Jolidon's frame opening for the hammer. Rather, Applicants assert that unless Jolidon unambiguously and definitively shows each and every aspect of Applicants recited elements, an anticipatory rejection of Applicants' claims over Jolidon's ambiguous drawing figures is not tenable. Applicants thus believe that an anticipatory rejection based upon Jolidon is overreaching and, therefore, respectfully request that the anticipatory rejection of claims 1 and 10 over Jolidon, including those claims dependent thereon, be withdrawn.

Should the Examiner repeat the outstanding rejection, Applicant respectfully requests that the Examiner specifically address the lack of any clear drawing figure in Jolidon which illustrates the access port in Jolidon's slide, as well as discuss the structural

significance of the drawing line located slightly above reference numerals 8/9 in Jolidon's Figure 3.

The 35 USC 102(b) Rejection of Claims 1-2 and 9-11 over Hochstrate

The Examiner has rejected claims 1-2 and 9-11 as being anticipated by Hochstrate ('973). Applicants respectfully assert that Hochstrate does not disclose, at least, each and every aspect of independent claims 1 and 10.

Independent claim 1 explicitly recites, *inter alia*,
"a slide removably mounted on the frame ...
an access port disposed in the slide, wherein the slide includes a cartridge ejection port
and may be in a chamber closed position and a chamber open position;
wherein when the slide is in said chamber closed position, said sear is accessible through
said access port."

Similarly, independent claim 10 explicitly recites, *inter alia*,
"a slide removably mounted on the frame;
a firing mechanism; and
an access port disposed in the slide, said access port being separate from a cartridge
ejection port formed in said slide;
wherein the firing mechanism is accessible through the access port and can be
manipulated to allow removal of the slide from the frame."

In stark contrast, Applicants respectfully assert that Hochstrate does not disclose or suggest, at least, an access port disposed in the slide and through which the sear is accessible, as recited in both independent claims 1 and 10.

With respect to the Examiner's apparent interpretation that Hochstrate's frame opening for accommodating the hammer (44) reads upon Applicant's 'access port', for the purposes of anticipating the above-referenced portion of claims 1 and 10, Applicants respectfully traverse this interpretation of Hochstrate.

Firstly, Applicants assert that the opening created by the movement of Hochstrate's hammer to its firing position is an opening created in the *frame* of the handgun, not the slide. Insofar that Hochstrate arguably teaches a rear opening in the slide (15) for accommodating Hochstrate's firing pin (40), Applicants contend that Figure 2 clearly illustrate that the opening for the firing pin (40) does not communicate with the opening created by the movement of Hochstrate's hammer (44). Moreover, as Hochstrate is silent as to any opening in Hochstrate's slide which may be in communication with the sear mechanism of Hochstrate's handgun, Applicants assert that the Examiner's sole reliance on the drawing figures of Hochstrate fail to clearly show the relationship recited in independent claims 1 and 10. That is, none of Hochstrate's drawing figures illustrate an opening in Hochstrate's slide (15) which would permit access to Hochstrate's sear (62/100).

With particular reference to Hochstrate's Figure 2, Applicants assert that Figure 2 merely illustrates a hammer opening formed in the *frame* of Hochstrate's handgun, and that the drawing line located slightly above reference numeral 108 in Figure 2 illustrates the structural isolation of the hammer opening. Moreover, to the extent that the movement of Hochstrate's hammer (44) defines a slot, or the like, through the plane of the drawing line slightly above reference numeral 108, Applicants contend that this slot may merely provide an access from the hammer opening in the frame to the *area behind* (note: not 'part of') the slide 15. That is, Applicants assert that Hochstrate's Figure 2, when considered in light of the drawing line slightly above reference numeral 108 and in conjunction with Figures 8, cannot read upon Applicants' access port disposed in the slide of the firearm through which the sear is accessible.

Applicant's further note that the term, 'slide' as it is used in the art has an established meaning which does not include the 'frame' of the handgun *per se*. Therefore, pursuant to MPEP § 2111.01 which states that "the words of a claim must be given their 'plain meaning'" and that "'plain meaning' refers to the meaning given to the term by those of ordinary skill in the art", Applicants contend that interpretation of Hochstrate's hammer opening as reading upon Applicants' access port in the slide of the firearm, exceeds the appropriate breath of the term as it is utilized in the art.

Indeed, Applicants contend that claims 1 and 10 further define the 'slide' as being that structural element which "includes an injection port" and, as such, cannot be read upon Hochstrate's hammer opening in the rear of the handgun.

In essence, Applicants contend that Hochstrate's specification is totally silent on the claimed subject matter at issue, as discussed above, and further, that Hochstrate's drawing figures are, at best, indeterminate regarding the existence of an access port in Hochstrate's slide which provides access to the sear. Applicants earnestly submit that it is not enough for the Examiner to think that Hochstrate *may* illustrate an access port as recited by Applicants, or to infer that Hochstrate's handgun *may* have a passage between the firing pin bore of the handgun and Hochstrate's frame opening for the hammer. Rather, Applicants assert that unless Hochstrate unambiguously and definitively shows each and every aspect of Applicants recited elements, an anticipatory rejection of Applicants' claims over Hochstrate's ambiguous drawing figures is not tenable. Applicants thus believe that an anticipatory rejection based upon Hochstrate is overreaching and, therefore, respectfully request that the anticipatory rejection of claims 1 and 10 over Hochstrate, including those claims dependent thereon, be withdrawn.

Should the Examiner repeat the outstanding rejection, Applicant respectfully requests that the Examiner specifically address the lack of any clear drawing figure in Hochstrate which illustrates the access port in Hochstrate's slide, as well as discuss the structural significance of the drawing line located slightly above reference numeral 108 in Hochstrate's Figure 2.

The 35 USC 102(b) Rejection of Claims 1-2 and 9-11 over Tuma

The Examiner has rejected claims 1-2 and 9-11 as being anticipated by Tuma ('796). Applicants respectfully assert that Tuma does not disclose, at least, each and every aspect of independent claims 1 and 10.

Independent claim 1 explicitly recites, *inter alia*,
"a slide removably mounted on the frame ...
an access port disposed in the slide, wherein the slide includes a cartridge ejection port
and may be in a chamber closed position and a chamber open position;
wherein when the slide is in said chamber closed position, said sear is accessible through
said access port."

Similarly, independent claim 10 explicitly recites, *inter alia*,
"a slide removably mounted on the frame;
a firing mechanism; and
an access port disposed in the slide, said access port being separate from a cartridge
ejection port formed in said slide;
wherein the firing mechanism is accessible through the access port and can be
manipulated to allow removal of the slide from the frame."

In stark contrast, Applicants respectfully assert that Tuma does not disclose or suggest, at least, an access port disposed in the slide and through which the sear is accessible, as recited in both independent claims 1 and 10.

With respect to the Examiner's apparent interpretation that Tuma's frame opening for accommodating the hammer (4) reads upon Applicant's 'access port', for the purposes of anticipating the above-referenced portion of claims 1 and 10, Applicants respectfully traverse this interpretation of Tuma.

Firstly, Applicants assert that the opening created by the movement of Tuma's hammer to its firing position is an opening created in the *frame* of the handgun, not the slide. Insofar that Tuma arguably teaches a rear opening in the slide (1) for accommodating Tuma's firing pin (14), Applicants contend that Figures 1-4 and 7 clearly illustrate that the opening for the firing pin (14) does not communicate with the opening created by the movement of Tuma's hammer (4). Moreover, as Tuma is silent as to any opening in Tuma's slide which may be in communication with the sear mechanism of Tuma's handgun, Applicants assert that the Examiner's sole reliance on

the drawing figures of Tuma fail to clearly show the relationship recited in independent claims 1 and 10. That is, none of Tuma's drawing figures illustrate an opening in Tuma's slide (1) which would permit access to Tuma's sear (3).

With particular reference to Tuma's Figures 1 and 2, Applicants assert that Figures 1 and 2 merely illustrates a hammer opening formed in the *frame* of Tuma's handgun, and that the drawing line located slightly above reference numeral 3 in Figure 2 illustrates the structural isolation of the hammer opening. Moreover, to the extent that the movement of Tuma's hammer (4) defines a slot, or the like, through the plane of the drawing line slightly above reference numeral 3, Applicants contend that this slot may merely provide an access from the hammer opening in the frame to *the area behind* (note: not 'part of') the slide 1. That is, Applicants assert that Tuma's Figures 1 and 2, when considered in light of the drawing line slightly above reference numeral 3 and in conjunction Tuma's other drawing figures, cannot read upon Applicants' access port disposed in the slide of the firearm through which the sear is accessible.

Applicant's further note that the term, 'slide' as it is used in the art has an established meaning which does not include the 'frame' of the handgun *per se*. Therefore, pursuant to MPEP § 2111.01 which states that "the words of a claim must be given their 'plain meaning'" and that "'plain meaning' refers to the meaning given to the term by those of ordinary skill in the art", Applicants contend that interpretation of Tuma's hammer opening as reading upon Applicants' access port in the slide of the firearm, exceeds the appropriate breath of the term as it is utilized in the art.

Indeed, Applicants contend that claims 1 and 10 further define the 'slide' as being that structural element which "includes an injection port" and, as such, cannot be read upon Tuma's hammer opening in the rear of the handgun.

In essence, Applicants contend that Tuma's specification is totally silent on the claimed subject matter at issue, as discussed above, and further, that Tuma's drawing figures are, at best, indeterminate regarding the existence of an access port in Tuma's slide which provides access to the sear. Applicants earnestly submit that it is not

enough for the Examiner to think that Tuma *may* illustrate an access port as recited by Applicants, or to infer that Tuma's handgun *may* have a passage between the firing pin bore of the handgun and Tuma's frame opening for the hammer. Rather, Applicants assert that unless Tuma unambiguously and definitively shows each and every aspect of Applicants recited elements, an anticipatory rejection of Applicants' claims over Tuma's ambiguous drawing figures is not tenable. Applicants thus believe that an anticipatory rejection based upon Tuma is overreaching and, therefore, respectfully request that the anticipatory rejection of claims 1 and 10 over Tuma, including those claims dependent thereon, be withdrawn.

Should the Examiner repeat the outstanding rejection, Applicant respectfully requests that the Examiner specifically address the lack of any clear drawing figure in Tuma which illustrates the access port in Tuma's slide, as well as discuss the structural significance of the drawing line located slightly above reference numeral 3 in Tuma's Figure 2.

The 35 USC 103(a) Rejection of Claim 12 over Toma in view of Thomas

The Examiner has rejected claim 12 as being obvious over Toma in view of Thomas. Applicants respectfully assert that Toma in view of Thomas does not disclose, at least, each and every aspect of newly amended independent claims 1 and 10.

With general respect to claim 12, Applicants assert that claim 12 is allowable for at least the reasons that claims 1 and 10 are allowable, as discussed previously, Thomas adding no pertinent disclosure to the teaching of Toma in this regard.

Applicants therefore respectfully request that the existing rejection to claim 12 now be withdrawn.

CONCLUSION

In view of the remarks above, it is respectfully submitted that claims 1-13 are allowable, and an early action to that effect is earnestly solicited.

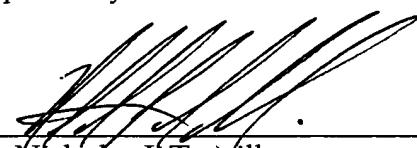
Applicant submits that the present Request for Reconsideration is responsive to each of the points raised by the Examiner and contains no new matter. Further, Applicant believes that the present Request is merely formal in nature, reduces the number of issues under consideration and place the case in condition for allowance. Applicant believes the present Request was necessitated by the outstanding Final Office Action.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview, Examiner's amendment, or the like, while the outstanding issues are fresh in the mind of the Examiner.

It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

By _____


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